

MINUTES OF COUNCIL

A regular session of Troy City Council was held Tuesday, February 16, 2016, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Oda, Phillips, Schweser, Snee, Terwilliger, Tremblay and Twiss.

Presiding Officer: Martha A. Baker President of Council

Others Present: Michael L. Beamish, Mayor
 Patrick E. J. Titterington, Director of Public Service and Safety
 Grant D. Kerber, Director of Law
 John E. Frigge, Auditor

INVOCATION: The meeting began with an invocation given by Mr. Phillips, followed by the Pledge of Allegiance led by Boy Scouts from Troop 365 of St. Patrick Catholic Church. The scouts were recognized for their following service to the community: In November-December 2015, Eagle Scout Joe Pascale and St. Patrick's Catholic Church Troop 365 completed a service project of major benefit to the City. The scouts attached over 1,320 4" adhesive curb markers to the catch basins and curb inlets within Troy's vital aquifer protection zones. These markers remind citizens to help protect our drinking water supply by providing a colorful and noticeable reminder to engage in "NO DUMPING, DRAINS TO GROUNDWATER".

MINUTES: The Clerk gave a summary of the minutes of the February 1, 2016 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Phillips, seconded by Mr. Twiss, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS

Safety & Health Committee: Mrs. Oda, Chairman, reported regarding amending Chapter 1501 of the Codified Ordinances, the Fire Prevention Code, to require that owners of residential rental properties equip rental properties with carbon monoxide (CO) detectors. The Fire Chief had anticipated that the State of Ohio would adopt the new International Fire Code, which requires the installation of the detector by the owners of rental properties, and that provision would then have impacted Troy landlords. As that has not taken place, we were asked to consider establishing the provision using the language of the International Fire Code. The request also included re-establishing a Fire Code penalty provision that had inadvertently been eliminated in a prior Fire Code update.

MAJORITY REPORT:

The undersigned support the recommendation that CO detectors be required for residential rental units as discussed herein. We recognize that certain items can be set forth in lease agreements, but in the interest of tenants renting homes that have safety features, we recommend that legislation be prepared to amend Ordinance Chapter 1501 to include provisions related to requirements for carbon monoxide detectors in residential rental units. We further support not deferring action until the State includes the provision in the next State Fire Code. So that the penalty provision inadvertently deleted is re-instated, we recommend that it be included in the legislation. To ensure immediate compliance, we support emergency legislation.

Signed by Terwilliger and Heath.

MINORITY REPORT:

It is my position that this issue should not be legislated, but is a matter that should be clearly defined in writing in any lease agreement between a landlord and renter, setting forth the responsibilities of each. Therefore, I do not support legislation to amend Ordinance Chapter 1501 to include provisions related to carbon monoxide detectors as proposed by City staff.

Signed by Oda.

Discussion.

In response to Mr. Schweser, Mr. Kerber advised that if a violator is found guilty of a fourth degree misdemeanor, the court can impose jail time and a fine. However, it was explained that the Fire Department will be working with property owners and tenants with a goal of education and voluntary compliance.

Chief Simmons commented that the process will be similar to when smoke detectors were required, and the Fire Department staff worked through a process of educating citizens and property owners. It was also noted that the proposed language is the same as the pending International Fire Code that the City would follow.

Streets the Sidewalk Committee: Mr. Phillips, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared authorizing the final assessment for Phase VIII of the Sidewalk Improvement Program as that project is complete.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service & Safety to enter into an agreement with Choice One Engineering Corporation for the design of the North Market Street Improvement Project, Phase II in an amount not to exceed \$120,000.

Reports signed by Heath, Snee and Phillips.

Utilities Committee: Mr. Tremblay, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the construction of a new 0.75 million gallon water tower to be located in the Extra High Service Area, and will be constructed on West Stanfield Road, at a cost not to exceed \$2,750,000.
Report signed by Terwilliger, Twiss and Tremblay.

CITIZEN COMMENTS:

-Bob Huffman, attorney for Jean Bishop, grandmother of the Bishop and Jones girls who lost their lives a year ago to CO poisoning spoke in support of the CO legislation. He commented that there was a 76 year old furnace in the residence in which Mrs. Bishop and her grandchildren lived, the flue was blocked, adequate heat was not provided, and the furnace had not been serviced. Mr. Huffman commented that landlords are to provide safe venting and heating for tenants, and does not feel that in the real world negotiating between landlord and tenant is feasible for safety, and it cannot be assumed that every landlord puts a tenant first, so there needs to be safeguards to provide safe places to live for the poor and disadvantaged.

-Lester Conard, 1210 S. Clay Street, stated his opinion that if the hospital did not diagnose Mrs. Bishop correctly the kids would not have died. Now the City is putting a lot on landlords and maybe the City does not want landlords. Regarding O-11-2016, he asked how an area would be kept from flooding if the flood plain zoning was changed.

RESOLUTION NO. R-7-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH CHOICE ONE ENGINEERING CORPORATION OF SIDNEY, OHIO FOR THE DESIGN OF THE NORTH MARKET STREET IMPROVEMENT PROJECT, PHASE 2

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Oda, Heath, Snee, Twiss, Terwilliger, Schweser, Tremblay, Phillips and Kendall.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Heath, Snee, Twiss, Terwilliger, Schweser, Tremblay, Phillips, Kendall and Oda.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-8-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF A 0.75 MILLION GALLON WATER TOWER TO BE LOCATED IN THE EXTRA HIGH SERVICE AREA

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Tremblay.

Yes: Snee, Twiss, Terwilliger, Schweser, Tremblay, Phillips, Kendall, Oda and Heath.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Twiss.

Yes: Twiss, Terwilliger, Schweser, Tremblay, Phillips, Kendall, Oda, Heath and Snee.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-5-2016

ORDINANCE ACCEPTING THE FINAL PLAT OF NOTTINGHAM SUBDIVISION, SECTION NINE AND DEDICATING A RIGHT-OF-WAY

This Ordinance was given first title reading on February 1, 2016.

Given second title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Tremblay.

Yes: Terwilliger, Schweser, Tremblay, Phillips, Kendall, Oda, Heath, Snee and Twiss.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Twiss.

Yes: Schweser, Tremblay, Phillips, Kendall, Oda, Heath, Snee, Twiss and Terwilliger.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-6-2016

ORDINANCE AMENDING CHAPTER 1501 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO RELATED TO CARBON MONOXIDE ALARMS AND PENALTY PROVISIONS, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.

Yes: Tremblay, Phillip, Kendall, Heath, Snee, Twiss, Terwilliger and Schweser.

No: Oda.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Phillips, Kendall, Heath and Snee, Twiss, Terwilliger, Schweser and Tremblay.

No: Oda.

ORDINANCE ADOPTED

ORDINANCE NO. O-7-2016

ORDINANCE LEVYING ASSESSMENTS FOR PHASE VIII OF THE SIDEWLAK IMPROVEMENT PROGRAM

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Kendall, Oda, Heath, Snee, Twiss, Terwilliger, Schweser, Tremblay and Phillips.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Tremblay.

Yes: Oda, Heath, Snee, Twiss, Terwilliger, Schweser, Tremblay, Phillips and Kendall.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-8-2016

ORDINANCE CHANGING THE ZONING OF PART OF OUTLOT 436 (PARCEL DO8-100722 AND PARCEL DO8-100730) IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, AND R-4, SINGLE FAMILY RESIDENCE DISTRICT, TO THE ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-9-2016

ORDINANCE CHANGING THE ZONING OF INLOT 10577 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY, OHIO ZONING OF A-2 AND F-1 TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-10-2016

ORDINANCE CHANGING THE ZONING OF INLOTS 10575 AND 10576 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY, OHIO ZONING OF F-1, FLOOD PLAIN, TO THE CITY ZONING OF B-1, LOCAL RETAIL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-11-2016

AN ORDINANCE AMENDING SECTIONS 521 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO AND SECTIONS 1133 AND 1151 OF THE ZONING CODE OF THE CITY OF TROY, OHIO RELATED TO FENCES

This Ordinance was given first title reading.

COMMENTS OF MAYOR BEAMISH:

Mayor Beamish noted that the kickoff for the 40th Troy Strawberry Festival was held February 16.

COMMENTS OF PRESIDENT OF COUNCIL:

Mrs. Baker congratulated retiring firefighter Tod Bierly.

Mrs. Baker noted that Meet the Candidate events will be held February 23 and 24.

There being no further business, the meeting adjourned at 7:38 p.m.

Clerk of Council

President of Council

